



**IT IS ORDERED as set forth below:**

**Date: March 28, 2019**

A handwritten signature in black ink that reads "James R. Saccia".

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James R. Saccia  
U.S. Bankruptcy Court Judge

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CASE NO. 18-68840-JRS
	)	
Scottie Lamar Cousins,	)	CHAPTER 13
Debtor.	)	
	)	
IH6 Property Georgia, LP,	)	
Movant,	)	
	)	
VS.	)	
	)	
Scottie Lamar Cousins, Debtor,	)	
Nancy J. Whaley, Trustee,	)	
Respondents.	)	

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**CONTESTED MATTER**

**ORDER DENYING MOTION FOR RELIEF FROM STAY  
WITH STRICT COMPLIANCE**

This matter comes before the Court on Movant's Motion for Relief from Stay [Doc. 21] filed on January 13, 2019. A hearing was scheduled for Movant's Motion on February 5, 2019. Movant and Debtor have resolved the Motion by evidencing their consent to terms contained herein and no hearing on the Motion was held.

Movant is the owner of certain real property located 2916 Noah Drive, Acworth, Georgia 30101 (the "Property"), which it has leased to Debtor pursuant to a Residential Lease Agreement (the "Lease"). Debtor failed to timely pay rent, late fees, and utilities for September and October 2018, and, as a result, Movant sought to initiate dispossessory proceedings. However, after dispossessory was filed, Debtor filed his Petition [Doc. 1], and Movant sought relief from the bankruptcy stay. Debtor desires to remain in possession of the Property and to abide by the rental obligations of the Lease. Therefore, the Court finds as follows:

**IT IS HEREBY ORDERED** that the Motion for Relief from Stay with respect to the Property is denied, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter.

**IT IS FURTHER ORDERED** that the post-petition arrearage through February 2019 totals \$3,793.94, representing rent, late fees, and utilities. This arrearage shall be paid as follows:

1. Debtor will pay Movant \$3,793.94, representing December, January, and February rent, late fees, and utilities on or before February 11, 2019.

**IT IS FURTHER ORDERED** that all payments tendered by Debtor to Movant shall be made in certified funds. Payments must be received at Movant's office located at 8601 Dunwoody Place, Suite 520, Sandy Springs, Georgia 30350 or to such address as may be later designated, and addressed to the attention of Erin Brown Norman. Failure to tender the above-described payment shall entitle Movant to an order lifting the stay to allow it to pursue its state law remedies as to Debtor and the Property upon a sworn affidavit of Movant's counsel without further hearing.

**IT IS FURTHER ORDERED** that Debtor will resume strict compliance with the Lease and the monthly rental payments beginning March 1, 2019. Should Debtor default on the payments of the arrearage payments referenced above and/or the regular rental payments which come due according to the Lease for the remainder of the Lease term, then upon notice of default sent by first class mail to Debtor and Debtor's attorney to the respective addresses that appear on the attached distribution list and failure of Debtor to cure such default within five (5) days from the date of receipt of such notice by sending payment to such address that Movant directs in its Notice of Default, Movant may file a motion and affidavit of default with the Court, with service upon Debtor and Debtor's attorney,

and the Court may enter an Order lifting the automatic stay under §362(a) without further notice or hearing.

**[END OF DOCUMENT]**

Consented to By:

/s/ Brandi N. Wade

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Georgia Bar No. 868917  
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/s/ Daniel R. Saeger with express permission

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Seen and No Opposition by:

/s/ Maria C. Joyner with express permission

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